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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MONICA SANTANA and PAULA
KLEYNBURD, on behalf of themselves and all
others similarly situated,

Plaintiffs,

-v-

23ANDME, INC.,

Defendant.

Case No. 3:23-cv-05147-EMC

**PLAINTIFFS' SECOND
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED
PURSUANT TO LOCAL RULE 3-
12**

Pursuant to Civil Local Rules 3-12(b), 7-11, and 7-12, Plaintiffs Monica Santana and Paula Kleynburd (the "*Santana* Plaintiffs"), hereby submit this Second Administrative Motion to Consider Whether Cases Should be Related Pursuant to Local Rule 3-12 and hereby seek the Court's determination that the following cases that have been filed in this District (the "Actions") are related to this first-filed action, *Santana et al. v. 23andMe, Inc.*, Case No. 3:23-cv-05147-EMC (N.D. Cal. Filed October 9, 2023) (the "*Santana* Action"). Specifically, the Actions include:

1. *Rivers, et al. v. 23andMe, Inc. et al.*, (Case No. 4:23-cv-06481-DMR);

2. *Scott et al. v. 23andMe Holding Co. et al.*, (Case No. 3:23-cv-05980-LB); and

3. *Ioffe v. 23andMe, Inc.*, (Case No. 5:23-cv-06205-NC.).

4. **I. BRIEF STATEMENT OF THE RELATIONSHIP OF THE ACTIONS**

Local Rule 3-12(a) states that an action is related to another when:

(1) The actions concern substantially the same parties, property, transaction, or event;
and

(2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges. *See* Civ. L.R. 3-12(a). Both criteria are met here.

First, the *Santana* Action and the Actions concern substantially the same parties, transaction, or event because:

1. Plaintiffs in the *Santana* Action and the Actions assert claims against Defendant 23andMe, Inc;

2. Plaintiffs in the *Santana* Action and the Actions allege that they are 23andMe, Inc. customers and bring negligence and other claims that arise from a data security incident announced by Defendant on or about October 6, 2023;

3. the putative classes in the *Santana* Action and the Actions overlap and are comprised of the same classes of persons whose data was allegedly compromised in the Data Breach by unauthorized persons;

4. the *Santana* Action and the Actions seek to hold Defendant 23andMe, Inc. liable for the security incident based on allegations concerning the security of Plaintiffs' and putative class members' 23andMe-derived genetic data; and

5. the *Santana* Action and the Actions seek the same or overlapping relief.

Cases are routinely related in similar circumstances pursuant to this Court's local rules. *See, e.g., Power Integrations, Inc. v. Chan-Woong Park*, No. 16-CV-02366-BLF, 2019 WL 119969, at *1 (N.D. Cal. Jan. 7, 2019) (relating cases involving the same parties and overlapping UCL claims); *Pepper v. Apple Inc.*, No. 11-CV-06714-YGR, 2019 WL 4783951, at *1–2 (N.D. Cal. Aug. 22, 2019) (relating cases with overlapping claims and parties).

Due to their similarity, if not treated as related, the *Santana* Action and the Actions are likely to require substantial duplication and expense and present a potential danger of inconsistent rulings regarding the same issues of law.

Relating the *Santana* Action and the Actions will allow a single judicial officer to guide all actions more efficiently towards resolution. Otherwise, the parties and Court would expend resources engaging in parallel and overlapping adjudication of the same issues. Because the *Santana* Action and the Actions are connected, the ultimate outcome in each matter will affect all parties. A single Judge presiding over the *Santana* Action and the Actions will not only avoid duplication of both labor and expense, but will also maximize the potential for the cases to be resolved expeditiously.

For the reasons stated above, pursuant to Civil Local Rule 3-12, the Court should relate the Actions to the first filed *Santana* Action in this Court.

II. LOCAL RULE 7-11 COMPLIANCE

Pursuant to Civil Local Rule 7-11, counsel for the *Santana* Plaintiffs has obtained a stipulation to this administrative motion.

Respectfully submitted,

Date: January 10, 2024

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